

Shelby
Sullivan
Thune

Tillis
Toomey
Tuberville

Wicker
Young

NOT VOTING—1

Kennedy

The nomination was confirmed.

The PRESIDING OFFICER (Mr. LUJÁN). Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

The majority whip.

Mr. DURBIN. Mr. President, are we now moving to a cloture vote on Kristen Clarke?

The PRESIDING OFFICER. We have the cloture vote next.

Mr. DURBIN. Mr. President, I ask unanimous consent that there be 2 minutes equally divided for debate in support and opposition to Ms. Clarke.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

NOMINATION OF KRISTEN M. CLARKE

Mr. DURBIN. Mr. President, it is significant that on this day, this anniversary of the death of George Floyd, that we are considering one of the key appointments in the Biden administration to be Assistant Attorney General for the Civil Rights Division.

I urge my colleagues on both sides of the aisle to consider the historic importance of this moment and to support this well-deserving and experienced person to serve our Nation in this capacity. I urge my colleagues to vote aye.

The PRESIDING OFFICER. Who seeks recognition?

Hearing none, all time is yielded back.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 124, Kristen M. Clarke, of the District of Columbia, to be an Assistant Attorney General.

Charles E. Schumer, Patty Murray, Alex Padilla, Sheldon Whitehouse, Jeff Merkley, Jack Reed, Debbie Stabenow, Benjamin L. Cardin, Patrick J. Leahy, Elizabeth Warren, Jacky Rosen, Richard Blumenthal, Tina Smith, John W. Hickenlooper, Michael F. Bennet, Tim Kaine, Brian Schatz.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Kristen M. Clarke, of the District of Columbia, to be an Assistant Attorney General, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Louisiana (Mr. KENNEDY).

The yeas and nays resulted—yeas 51, nays 48, as follows:

[Rollcall Vote No. 202 Ex.]

YEAS—51

Baldwin	Heinrich	Peters
Bennet	Hickenlooper	Reed
Blumenthal	Hirono	Rosen
Booker	Kaine	Sanders
Brown	Kelly	Schatz
Cantwell	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Leahy	Sinema
Casey	Luján	Smith
Collins	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden

NAYS—48

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Cornyn	Lankford	Shelby
Cotton	Lee	Sullivan
Cramer	Lummis	Thune
Crapo	Marshall	Tillis
Cruz	McConnell	Toomey
Daines	Moran	Tuberville
Ernst	Murkowski	Wicker
Fischer	Paul	Young

NOT VOTING—1

Kennedy

The PRESIDING OFFICER (Ms. SINEMA). On this vote, the yeas are 51, the nays are 48.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant bill clerk read the nomination of Kristen M. Clarke, of the District of Columbia, to be an Assistant Attorney General.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:03 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. SINEMA).

EXECUTIVE CALENDAR—Resumed

The PRESIDING OFFICER. The Senator from Arkansas.

NOMINATION OF KRISTEN M. CLARKE

Mr. COTTON. Madam President, today the Senate will vote on Kristen Clarke's nomination to head the Department of Justice's Civil Rights Division—one of the most powerful positions at the Department of Justice. I will, of course, oppose her nomination.

We get a lot of partisan nominees around here. So that is not very surprising. But Ms. Clarke isn't just partisan. She is extremely partisan. She called Senator MURKOWSKI "shameful." She accused Senator MANCHIN of being disingenuous. And she casually slandered 200—200—sitting, Senate-confirmed judges as "white male extremists." If confirmed for this position, she will be entrusted with representing the U.S. Government in front of those very judges—not exactly a credible advocate for our people, if you ask me.

Ms. Clarke's radicalism doesn't stop with ad hominem insults. It thoroughly infects her professional judgment as well. Ms. Clarke has consistently demonstrated that she is more interested in attacking police and calling everybody a racist than finding the facts or reviewing the evidence.

When it comes to racially incendiary cases, she proudly fans the flames of division. Last year, she repeatedly—repeatedly—spread the falsehood that Jacob Blake, who had a knife and was actively resisting arrest, was, in fact, "unarmed" when he was shot by the police. In part because of falsehoods like that one, riots engulfed the city of Kenosha, WI.

She also claimed that Officer Darren Wilson, who shot and killed Michael Brown in Ferguson, MO, was only exonerated "based on racism." When I asked Ms. Clarke if she had reconsidered that unsubstantiated opinion, she pretended not to know enough to answer the question, at first, which is remarkable given that the shooting in Ferguson is one of the most publicized and explosive cases in recent years; also remarkable because she apparently knew enough to tar a grand jury of normal American citizens as yes, once again, racist, but not enough to answer simple questions.

Ms. Clarke's opinion on the Ferguson case sets her apart from other staunch liberals like Vanita Gupta and Eric Holder. Both have acknowledged that Officer Wilson was justified in the use of force, echoing the Obama Department of Justice, which came to the very same conclusion. In defiance of all evidence, in spite of her good friend Ms. Gupta's views, Ms. Clarke still dissents from this conclusion. So I cannot believe it—I am genuinely astonished—but Joe Biden has somehow found a nominee more radical than Vanita Gupta. That is an impressive accomplishment, one that should give Senators who supported Ms. Gupta more than ample ground to oppose Ms. Clarke.

Moreover, Ms. Clarke is a firm and, until very recently, a vocal supporter of defunding the police. Ms. Clarke wrote an article less than a year ago—not some college paper. Less than a year ago, Ms. Clarke wrote an article with "Defund the Police" in the title. She stated: "Must invest less in police" three times in the text of that article. She also wrote: "I advocate for defunding policing operations."